

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE:	)	
	)	
ROBERT O. MOTTINGER and	)	BANKRUPTCY NO. 05-65786 JPK
JOYCE A. MOTTINGER,	)	Chapter 7
	)	
Debtors.	)	

ORDER CONCERNING TRUSTEE'S OBJECTIONS TO CLAIMS

On September 28, 2006, the Chapter 7 Trustee filed a document entitled "Trustee's Objection to Claim," paragraph 2 of which lists four claims to which the Trustee objects. Three of these claims are those of HSBC Auto Finance; the stated basis for objection to claims nos. 02 and 04 are that they are subject to security interests, while the stated basis for claim no. 05 is that it is subject to a security interest, and apparently that it is a duplicate claim of claim no. 04. The fourth claim listed in the objection is claim no.11 of the Porter County Treasurer, with respect to which the Trustee objects to its status as a priority claim but proposes to allow it as a general unsecured claim. The "Notice of Objection to Claim" utilized by the Trustee with respect to his objections to these claims is a single document in which all four claims are designated.

The objection violates N.D.Ind.L.B.R. B-3007-1(a) which states that an "objection to a proof of claim shall be limited to the claim or claims filed by a single creditor, unless the objection is directed to a claim which has been filed jointly by more than one creditor." It is therefore not permissible to state an objection to a claim of the Porter County Treasurer in the same document as that in which objections to the claims of HSBC Auto Finance are also designated. Because the objection itself should have been separated into two different objections, the notice is defective as well. The Court also notes that while paragraph 2 of the objection describes the status of claim no. 5 as "Secured Claim – Duplicate #4", paragraph 3 does not state an objection based upon that claim's being a duplicate. Presentation of the objection in this manner violates N.D.Ind.L.B.R. B-3007-1(b) which requires that the objection

“state with specificity the basis for disallowance”.

The reason for the manner of presentation of objection stated in N.D.Ind.L.B.R. B-3007-1 is simple. Each claim objection initiates a contested matter, and the Court’s decision on each claim objection constitutes a final appealable order. Combining claims of multiple claimants into one objection precludes effective linking of separate proceedings with respect to each claimant, and creates confusion over the finality of an order entered with respect to a particular claimant when claims objections with respect to another claimant remain subject to disposition.

The Court finds that the “Trustee’s Objection to Claim” filed on September 28, 2006 fails to substantially comply with the requirements of applicable rules, and that the objection should be denied without prejudice to the Trustee’s filing of objections to the claims designated in that document that accord with applicable rules.

IT IS ORDERED that the four objections to claim stated in the “Trustee’s Objection to Claim” filed on September 28, 2006 are denied, without prejudice to the Trustee’s filing of subsequent objections to those claims in a manner which conforms to applicable rules, including N.D.Ind.L.B.R. B-3007-1.

Dated at Hammond, Indiana on October 10, 2006.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Debtors, Attorney for Debtors  
Trustee  
U.S. Trustee